CONSTITUTION OF THE AGDAAGUX TRIBE OF KING COVE, ALASKA

We, the Aleut people of King Cove, descendents of the original inhabitants of King Cove, Alaska and citizens of the United States having common bonds of ancestry, culture, and of community identity, in order to implement our inherent right of self government and self determination as an Alaska Native people and to further our political, social, cultural, and economic progress do hereby establish this constitution and bylaws.

ARTICLE I - AGDAAGUX TRIBAL COUNCIL

This is the Constitution of the Agdaagux Tribe of King Cove.

ARTICLE II - TERRITORIAL JURISDICTION

The Territorial jurisdiction of the Agdaagux Tribe shall extend to King Cove Corp. ANSCA lands, native allotments, and any future lands the tribe may acquire or any other Indian county as defined by federal law.

The jurisdiction of the Agdaagux Tribe of King Cove, shall include authority over members outside of the Tribes territory, including, but not limited to, the purposes of Indian Health Services and the Indian Child Welfare Act, to the extent permitted by applicable law.

ARTICLE III - MEMBERSHIP

BASE ROLL: The Base Roll shall be certified by the Tribal Council within one year of the adoption of this constitution. Once the Base Roll is certified, it cannot be changed from that date forward. Any addition of new members or corrections of structural errors on the Base Roll shall be updated on a regular basis.

BASE MEMBERSHIP: The Base Roll shall be made up of King Cove Corporation shareholders and direct descendents who are Aleut or of Alaskan Native descent. Biologic children of an enrolled member and Aleut children adopted by an enrolled member shall be automatically enrolled upon notice of the birth from an enrolled parent or guardian. It can include Aleut people or Alaskan Native decent not included in the King Cove Corporation enrollment at the discretion of the council if they have been living in King Cove, Alaska for a period of one year. The village council must certify the Inital Base Roll within 30 days of the adoption of this Constitution.

ADOPTED MEMBERS: The council shall have the powers to propose ordinances governing the adoption of members.

There shall be two classes of members:

HONORARY MEMBER: A honorary member is defined as a member who physically resides outside of King Cove. An honorary member does not have voting rights in the tribe, but does have the right to receive health care through the Indian Health Service and any other services available to the tribe.

FULL MEMBER: Only Tribal Members whose primary place of residence is within the territorial boundaries of the tribe shall be full members and therefore be eligible to vote in tribal elections and run for tribal office and have access to all services available to the tribe. To be considered a resident, the individual must reside in King Cove at least nine months of the year. Persons who are eligible to become members who move into the Territorial boundaries, intending to reside here, may apply for membership, providing they meet other membership requirements. Tribal members who have moved away intending not to return shall be granted limited membership which makes them tribal members for the purposes of eligibility for Federal Indian Health Service. If a tribal member, residing within the Territorial boundaries moves away, not intending to return, the council shall change their membership status to non-voting.

DUEL MEMBERSHIP: No person may be a member of the Agdaagux Tribe of King Cove who is also an enrolled member of another Federally recognized Tribe.

REGULATION OF MEMBERSHIP: The village council shall establish rules and procedures governing enrollment, including application and appeals process.

PROCEDURE FOR DISENROLLMENT: A member can be disenrolled if the Council determines that the member was granted membership on the basis of false or erroneous information, or if the member enrolls in another tribe while a member of the Agdaagux Tribe of King Cove.

Any person subject to disenrollment must be given written notice of the reasons for disenrollment by certified mail. Within ten days of receipt of the notice, the person subject to disenrollmeny may request a hearing before the Council. If the sole reason for disenrollment is the enrollment in another tribe, the member shall be given an opportunity to relinquish membership in the other tribe. If the member requests a hearing, one shall be held within thirty days of the request. The decision of the Council after a hearing shall be final.

PROCEDURE FOR RELINQUISHMENT: Any member can relinquish his/her membership by submitting a written notarized request to the Enrollment Officer. The member will be notified in writing by certified mail that his/her request was received and their name will be removed from the membership roll.

CURRENT ROLL: A current tribal membership roll shall be maintained and updated on a regular basis.

ADOPTION: The council shall have the powers to propose ordinances governing future membership and the adoption of members.

ARTICLE IV - THE AGDAAGUX TRIBAL COUNCIL

Name: The governing body of the Agdaagux Tribe of King Cove shall be the Agdaagux Tribal Council.

Composition: The council shall consist of five resident adult members of the village who shall be elected by a majority vote of the eligible voters at the annual membership meeting. Council members shall take office immediately upon election.

Officers: The council shall include a president, a vice president, a secretary and a treasurer. The secretary and treasurer may be the same person. Officers shall be selected by the council from its members immediately following the annual meeting.

TERMS OF OFFICE: At the first annual election the members shall elect five (5) Council Members. The Council Members thus elected shall thereafter, and at the first meeting of the Council provide by drawing lots for staggered terms of the members of the Council so that one (1) shall serve for three (3) years, two (2) shall serve for two (2) years and two (2) shall serve for one (1) year. At the second annual meeting thereafter the members shall elect a number of council members equal to the number whose terms expires at the time of the meeting to hold office for the term of three years. Each council member shall hold office for the term of which he is elected and until his successor is elected and qualifies.

Vacancies: In the event that any council member of the Tribal Council departs from the village of King Cove with the intent of remaining absent more than ninety days or has three consecutive unexcused absences from regular tribal council meetings, that seat shall automatically become vacant. A vacancy is also created by the resignation of any Council Member, presented in writing and duly accepted by the Council, or by the death of any Council Member. Vacancies on the Council may be filled for the unexpired term by the remaining Council Members, choosing a Council Member to fill out the unexpired term of the council member who is being replaced.

ARTICLE V - ELECTIONS

Voter Qualification: Any member of the Agdaagux Tribe of King Cove, who has reached the age of eighteen (18) or older prior to the election and who has resided in the village for one (1) year immediately preceding the election shall be eligible to vote in all tribal elections and meetings.

Elections: The Regular election of officials and of questions requiring voter approval shall be held at the annual membership meeting, notwithstanding the provisions for special elections contained in Article IX of this constitution.

Notice: The council shall publicize all village elections in a manner reasonably designed to give all village residents notice at least fifteen (15) days before the election.

Secret Balloting: All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot.

ABSENTEE BALLOT: Any member who has to be away temporarily or is incapacitated due to illness, or physical problems may request to vote by absentee ballot.

Election Committee: Prior to any tribal election the council shall appoint responsible persons to supervise, administer and conduct the election. The council shall establish by appointment, a new election committee prior to each election. Members of the election committee shall not be members of the Tribal Council.

Qualification of Candidates: Any enrolled member of the Agdaagux Tribe who is at least (18) years of age and who has resided in King Cove for at least one (1) year immediately preceding the election shall be eligible as a candidate for election.

CANDIDATES: Shall file a petition of candidacy according to the ordinances set forth by the election committee and approved by the Tribal Council.

ELECTION ORDINANCE: The Council shall have the power to enact election ordinances to address the specifics of election rules and procedures.

ARTICLE VI - POWERS

Inherent Powers: The Adgaagux Tribal Council shall have the inherent powers of a tribal government, including, but not limited to those specified in this Article. All inherent powers rest with the members of the Agdaagux Tribe. Any powers exercised by the Tribal Council are powers

specifically authorized or delegated to the Council by the members of the Tribal Council shall do all things for the common good which it has done or has had the right to do in the past and which are not against Federal and State Laws as may apply.

To negotiate with Federal, State, and local governments and others on behalf of the tribe and to advise and consult with representatives of the United States government on all activities which may affect the tribe.

To acquire, manage, lease, use, and contract all tribal real property and other tribal assets, together with all improvements which may be acquired by the tribe from the United States government or elsewhere.

To prevent the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets, without the consent of the tribe.

To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal Law.

To administer any funds within the control of the tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the tribal council. All expenditures of the tribal funds under control of the tribal council shall be made only by resolution duly approved by the tribal council in regular or special meetings, and the amount so expended shall be a matter of record available to all tribal members at all reasonable times.

To determine its own rules of procedure.

To promulgate and enforce ordinances governing the domestic relationships of members, membership ordinances, election ordinances, and tribal court ordinances.

To pass ordinances that govern the conduct of all persons, and regulate all property within the tribes jurisdiction to the fullest extent allowed under applicable Federal law, that provide for administration of justice, maintenance of law and order, that promote the social and economic welfare of the Agdaagux people, and including the right to for a Court.

To manage tribal economic and social development activities, to include fishing and or subsistance rights for the welfare of the Agdaagux Tribe of King Cove.

To charter and regulate subordinate organizations and cooperative associations.

To take such actions as are necessary to carry into effect any of the foregoing powers and duties. The power to grant further powers and rights to the Council rests with the membership.

The Council of the Agdaagux Tribe may exercise such further powers as may in the future be delegated to it by the Federal government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Agdaagux Tribe.

Any rights and powers heretofore vested in the Adgaagux Tribe, but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the membership, through the adoption of appropriate constitutional amendments. The power to grant further powers and rights to council rests with the membership.

ARTICLE VIII - REMOVAL FROM OFFICE

Misconduct or neglect: Any council member or other official, found guilty by the council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote of at least three (3) members of the council by secret ballot. The accused council member cannot vote. Before any vote for removal is taken, the accused must be given written notice of the charge (charges) against him and reasonable opportunity to defend himself in a hearing before the Council. Any council member that misses three (3) consecutive regular meetings, other than for reasons of family illness, emergencies or otherwise excusable absences is in neglect and the council will appoint a new member, subject to the due process provisions and provisions for filling vacancies in Article IV of this constitution.

RECALL: Eligible voters shall have the power to remove any member of the council or other tribal official by recall. A petition signed by at least twenty percent (20%) of the eligible voters must set forth the reasons for the petitions, and submit it to the council. The council must hold a community election to consider the recall within thirty (30) days of the receipt of the petition. At least 30% of the eligible voters must vote on the recall petition in order to make it binding. Vacancies will be filled subject to Article IV of this constitution. Recall can be done only once during a members term of office.

ARTICLE IX - POPULAR PARTICIPATION IN GOVERNMENT

Initiative: The eligible voters of the Agdaagux Tribe shall have the right to purpose legislation or other community action upon receipt of a petition signed by at least

(20%) of the eligible voters. The council shall call an election to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot with at least thirty percent (30%) of the eligible voters, voting to make it binding.

Referendum: The Agdaagux Tribal Council may call an election for the purpose of deciding any issue or question which is within the authority of the council. At least thirty percent (30%) of the eligible voters must vote for the election to be binding.

Voter Decision Binding: The decision of the majority of voters in both initiative and referendum elections shall be binding on the council and the membership,and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE X - RIGHTS OF MEMBERS

Rights and privileges: All members of the Agdaagux Tribe shall enjoy without hindrance their rights as Agdaagux Tribe of King Cove and Citizens of Alaska and the United States.

Indian Civil Rights Act: In exercising its power of self determination the Agdaagux Tribe shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, etc. seq., and not infringe on the individual liberties guaranteed therein.

Rights to Inspect Records: Members of the Adgaagux Tribal Membership shall have the right to review all public records such as minutes from Council meetings, financial reports and the Constitution of the Agdaagux Tribal Council. Records of personnel membership and court should be kept private.

ARTICLE XI - DUTIES OF OFFICERS

President: The President shall preside at all meetings of the tribe and of the council and shall execute on behalf of the Agdaagux Tribe all contracts, leases, or other formal documents approved by the council. He shall vote in matters before the council. He shall have the general supervision of all other officers, employees and committees of Agdaagux Tribe and see their duties are properly performed. When the council is not in session, he shall be the official representative of the Agdaagux Tribe Council.

Vice President: The Vice President shall assist the President when called upon to do so. In the absence of the President, he shall preside and when so presiding shall have all the rights, duties, privileges and responsibilities of the President.

Secretary: The secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. He shall maintain in permanent form all minutes, resolutions, ordinances and rules of the Agdaagux Tribe, which shall be public information. He shall issue notices of all meetings and elections and conduct all general correspondence as directed by the council.

Treasurer: The treasurer shall carry out the financial directives of the council, receive and safeguard monies of the council and keep an accurate account of receipts and disbursements. He shall report to the council all receipts and expenditures and the amount and nature of all council funds. Funds shall be deposited in a bank approved by the council. All disbursements shall be made by check in accordance with resolutions of the council.

The Positions of Secretary and Treasurer may be combined if so ruled by the council.

All Records and papers compiled by all officers and the secretary and treasurer are property of the Agdaagux Tribe and must be turned over to the Council immediately upon vacating their seat on the Council.

The Tribal Council shall review the ordinances and resolutions every two years. Proposed changes to the constitution can be made by resolution form and introduced each year at the annual meeting by a member of the Tribe.

ARTICLE XII - MEETINGS

Quorum: A quorum of the council shall consist of three (3) members of the council. A quorum of the general membership at annual meetings and special meetings shall consist of thirty percent (30%) of the eligible voters. No business shall be conducted unless a quorum is present.

Annual Meetings of the Members: Regular meetings of the general membership, shall be held at least once annually, on the second Monday of January. The date, time and place to be established by the council.

Special Meetings of the Members: Special meetings may be called by the President by a majority vote of the council or upon receipt of a petition signed by at least twenty percent (20%) of the eligible voters.

Regular meetings and Special meetings: Regular meetings of the council shall be held monthly. Special meetings of the council may be called by the President upon the request of at least three (3) members of the council. Business will be transacted as in a regular meeting.

Open meetings: All meetings of the council shall be open to the tribal members; provided, that the council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such a session and no final or official action is taken thereon in the closed or executive session.

Decisions: Final decision of the council on matters of permanent interest shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Conflict of Interest: No council member may vote on any matter pertaining specifically to him/her or to an immediate family member or on any matter in which he/she or an immediate family member has a significant financial interest. Nothing herein bars a council member from voting on a matter in which the benefit to him/her is common to that village members at large, or bars a council member or a member of his family from employment of the Agdaagux Tribe. Immediate family members are defined as father, mother, spouse, son or daughter.

NOTICE: All meetings of the membership must be publicized by the council at least fifteen (15) days in advance.

Parliamentary Procedures: All meetings shall be conducted in accordance with Roberts Rules of Order.

ARTICLE XIII - SEVERABILITY

If any provision of this constitution should be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIV - SAVINGS CLAUSE

Existing Laws Remain in Effect: All previous actions, ordinances and resolutions undertaken or passed by the Interim Council shall remain in effect following the adoption of this Constitution.

Revisions: In the event of future constitutional revisions, all previous official actions, ordinances and resolutions of the Interim Tribal Council shall remain in effect to the extent that they are consistent with this constitution.

ARTICLE XV - AMENDMENTS

The constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election.

ARTICLE XVI - ADOPTION

Effective Date: This Constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in the constitution, at an election meeting called for that purpose in which at least thirty percent (30%) of those eligible, vote.

Transition: Interim Tribal Council Members elected prior to the adoption of this constitution shall remain in office until the first election under this constitution. Staggered terms of office for council officials required by this constitution will be established in the first election of officials under this constitution.

CERTIFICATE OF ADOPTION

This Constitution of the Agdaagux Tribe of King Cove was submitted for adoption to the qualified voters of the Agdaagux Tribe of King Cove and was adopted by a vote of 15 for, and 02 against, in an election in which at least thirty percent (30%) of the entitled to vote on Nov 27 ,1990.

DATE: December 11 1990

SIGNATURES OF TRIBEL OFFICERS

Edward A Mack

Linda Mack

Robert E. Newman

Sandra A Lewis

Della Trumble